

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CRAIG REED, <i>et al.</i> ,)	CASE NO. 1:08CV1761
Plaintiffs,)	JUDGE CHRISTOPHER A. BOYKO
vs.))
FREEBIRD FILM PRODUCTIONS, INC.,))
<i>et al.</i> ,))
Defendants.))

**DECLARATION THAT PARTY WAS UNABLE TO FILE IN A TIMELY
MANNER DUE TO TECHNICAL DIFFICULTIES**

Plaintiffs, Craig Reed and Survivor Films were unable to file the following documents in a timely manner due to technical difficulties with the Court's website on February 20, 2009:

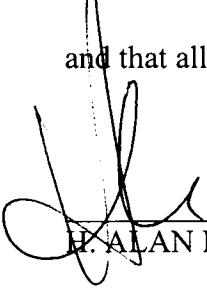
1. Memorandum in Opposition to RHI Entertainment's Motion for Summary Judgment;
2. Certification of Plaintiffs' Counsel;
3. Declaration of Craig Reed;
4. Civil Rule 56(f) Affidavit of H. Alan Rothenbuecher;
5. Ex. R1 (FILED UNDER SEAL);
6. Ex. R3 (FILED UNDER SEAL); and
7. Memorandum in Opposition to Lynyrd Skynyrd's Motion for Summary Judgment.

The deadline for filing the above-referenced documents was February 20, 2009. The reason I was unable to file the preceding documents in a timely manner, and the good faith efforts I made

prior to the filing deadline to both file in a timely manner, and to inform the Court and the other parties that I could not file the pleadings are set forth below:

1. Called the HelpDesk 1-800-355-8498 at 4:00 p.m. to inform the HelpDesk that we were not able to log on to the court's website.
2. Received a phone call back from the HelpDesk around 4:40 stating that the system was down and the parties could not file via ECF.
3. Tried to file again around 5:00 p.m. and 5:30 p.m., but the website was still down and did not permit filing.
4. Served copies of all of the preceding documents upon lead opposing counsel (Louis Columbo and Mark Avsec) via email, and copied Marsha McDowell (Courtroom Deputy) to Judge Christopher Boyko on the email serving copies of all the pleadings upon opposing counsel. This included the documents that were filed under seal.

The undersigned, being hereby warned that willful false statements in the likes are made punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, declares that he is properly authorized to execute this Declaration, that all statements made of his own knowledge are true, and that all statements made on information and belief are believed to be true.



H. ALAN ROTHENBUECHER

DATE: 2/23/09